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CARL LEVIN
MICHIGANNATIONAL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2202
(202) 224-0821

United States Senate

WASHINGTON, DC 20510-2202

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JAN 31 2005

U.S. EPA REGION 5
OFFICE OF REGIONAL COORDINATOR

January 25, 2005

Mr. Bharat Mathur, Acting Regional Administrator
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Dear Mr. Mathur:

I am writing on behalf of Paul and Laura Martin, current owners of the former W.R. Grace property at 14300 Henn Street, in Dearborn, Michigan. This site is currently under review by the EPA for asbestos contamination.

Prior to the Martin's purchase of this property ten years ago, it was formerly the W.R. Grace Company's packaging facility for Zonolite, a home insulation product containing asbestos. Enclosed is the EPA's letter dated April 9, 2003 informing the Martins of potential financial liability in regards to asbestos mitigation. As you will note from their correspondence to me, the Martins express concern regarding the possibility of the EPA placing a lien on their property to cover the high costs of clean-up. In addition, they question whether the EPA is acting hastily, particularly in light of a Michigan Department of Community Health (MDCH) press release (enclosed) which indicates that current workers are not being exposed to hazardous levels of asbestos. In speaking with my staff, the Martins expressed confusion regarding their responsibilities in this matter because they have not received any recent written communication from the EPA giving them further direction.

The April 9, 2003 letter delineates 15 separate actions the EPA planned to take in regards to this matter. I would appreciate knowing the status of each of these actions, particularly items 4 and 7. It will also be helpful if you could explain the Martin's current responsibilities, if any, in this matter and whether or not the EPA intends to hold them fully liable for mitigation costs. If this is the case, please inform me if the Martin's can implement a mitigation plan on their own or if the Martin's will be required to reimburse the EPA for mitigation costs. Please direct your response to my aide, Cate Govaere, in my Detroit office at the address listed below.

Thank you in advance for your cooperation in this matter.

Sincerely,

Carl Levin

CJ/gag

Enclosure

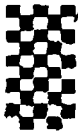
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DIEMOLD-AUTOMATION

001/001

From: Paul & Laura Martin
14300 Henn Street
Dearborn, MI 48126

To: Senator Carl Levin
US Senate

12/9/04

Subject: Asbestos Contaminated Soil in Dearborn.

Dear Senator Levin,

I recently emailed you about this problem, but since I was only allowed one paragraph, I hoped that if I faxed you about the subject you would take a look at it.

Over ten years ago, my husband and I bought a property in Dearborn that was formerly owned by the W R Grace Company. W R Grace is the bankrupt corporation that mined asbestos faced vermiculite that was used in a product called "Zonolite". They brought the insulation in by the train load to the property and bagged it there. Then they distributed it to stores all over the U.S. for installation in attics and other applications.

At the time of the purchase, we had a "phase 1" environmental study done, but at that time, they were looking for hard metal and oil contaminants, not asbestos.

A little over a year ago the EPA came out and tested the soil and the building for asbestos.

They concluded that the soil was contaminated and one portion of the building was also contaminated.

Concerned about our employees health, we cleaned up the building at our own expense. We also hired an environmental attorney, who contacted W R Grace, but we were told that there was no money for any cleanup for us.

We also went to the City of Dearborn and asked for a tax abatement. But we were told that since we were still using the building to assemble parts we didn't need a tax abatement. We have engaged a tax attorney who is pursuing this tax abatement at the state level.

The Michigan DEQ has done a report, and in it they stated that there is little or no present danger from the asbestos in the soil at our property. But the Federal EPA has informed us that they are going to clean up the property immediately, they cannot wait until spring, and that they will put a lien on the property to cover the cost of the clean up. We assume that the cost will be between \$500,000.00 and \$800,000.00 using their people.

We have another property in Dearborn that we have recently agreed to sell. We had hoped that we could use the money we got from that sale to pay for the clean up. We believe that we could have the property cleaned, using licensed personnel, at a lower cost than the EPA.

We are just a little manufacturing company and we have been in Dearborn for over 75 years. We own the property free and clear. We did not cause this problem, we would never have purchased the property had we known about the asbestos in the soil. Is there any recourse for us? If the EPA puts a lien on the property we may never be able to pay them back. Is there a grant or aid available to help us? Anything would be helpful.

Again thank you for your time, if you could contact us we would really appreciate it. Our day time phone number is (313) 581-3444.

Paul & Laura Martin

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L.A. MARTIN

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 09 2003

MEMPHIS ATTENTION
N-Forcer Site, MI

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul Martin
14300 Henn Street
Dearborn, MI., 48126

RE: N-Forcer Site
General Notice of Potential Liability

Dear Mr. Martin:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment at and from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This notice addresses both amphibol asbestos contamination at the facility located at 14300 Henn Street, Dearborn, Michigan, and at various residential properties in the general vicinity of the facility that contain elevated levels of material containing amphibol asbestos that migrated off-site and/or was provided by historical operators of the facility. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

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1. Limit access to the on-site storage area where elevated asbestos levels were detected;
2. Temporarily stabilize areas with detected asbestos on the property by installing a secure groundcover;
3. Develop and implement a Health and Safety Plan for workers and contractors on site;
4. Develop and implement a Work Plan to address the removal and disposal of asbestos-contaminated materials present in the storage room and the soils located on the property.
5. Conduct an assessment to identify residential areas where asbestos-containing material is present at or near the surface;
6. Determine the horizontal extent of surface amphibole asbestos contamination and identify areas to be addressed;
7. Develop and implement a Work Plan to address the removal and disposal of asbestos-contaminated materials present
8. Excavate and remove asbestos-contaminated soils on residential properties to a maximum depth of 18 inches (unless visible asbestos is present at 18 inches, in which case excavation will continue until visible asbestos is removed) on the property and at residences;
9. Excavate and remove asbestos-contaminated soils on residential properties horizontally until no asbestos is present, as detected by lab analysis;
10. Analyze bulk asbestos samples using standard Polarized Light Microscopy (PLM) methods. Supplement PLM analysis with Transmission Electron Microscopy (TEM) for samples with lower concentrations of asbestos to assess whether contamination is present and whether sufficient excavation has occurred;
11. Install a synthetic liner at the bottom of the excavated areas prior to backfill;
12. Backfill excavated areas with clean soil and restore property to original pre-removal condition;
13. Dispose of contaminated soils at an EPA-approved off-site disposal facility;

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14. Perform personal air sampling and ambient air sampling during remediation activities; and

15. Implement engineering measures to control dust during the cleanup.

U.S. EPA has received information that you may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within fourteen (14) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Ruth A. Woodfork
U.S. EPA - Region 5
Emergency Enforcement & Support Section SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the facility and that you have declined any involvement in performing the response activities.

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Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Thomas Krueger of the U.S. EPA Office of Regional Counsel at (312) 886-0562.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

W. C. Karl acting

Richard C. Karl, Chief
Emergency Response Branch

01/13/03 THU 15:13 FAX 913135814032

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Former Workers At Dearborn Plant Were Exposed To Hazardous Asbestos Levels

Page

www.michigan.gov
 (To Print: use your browser's print function)
 Contact: T.J. Bucholtz (517) 241-2112
 Agency: Community Health

Release Date: November 09, 2004
 Last Update: November 09, 2004

Former Workers At Dearborn Plant Were Exposed To Hazardous Asbestos Levels

November 9, 2004

Workers at the former W. R. Grace & Company vermiculite exfoliation plant in Dearborn - from the early 1950s to 1990 - were exposed to hazardous levels of asbestos, according to a public health consultation from the Michigan Department of Community Health (MDCH) and the federal Agency for Toxic Substances and Disease Registry (ATSDR).

Until 1990, the former W.R. Grace facility processed vermiculite - mined in Libby, Montana - that contained asbestos. ATSDR has linked some past exposures to Libby vermiculite with respiratory illnesses.

The consultation also indicated that those who lived with former W.R. Grace workers while Libby vermiculite was being processed at the plant also were exposed to asbestos. Workers may have carried home asbestos fibers within their hair and clothing, but the degree to which household members may have been exposed cannot be conclusively determined, according to MDCH officials.

MDCH and ATSDR found no indication that current workers on the property - employed by a tool and die shop - are being exposed to hazardous levels of asbestos. Some soil samples from the site, taken by the Environmental Protection Agency (EPA), show concentrations of asbestos at very low levels. Other samples failed to detect asbestos.

Officials also suspect that some former workers and residents took asbestos-contaminated waste rock home from the plant and used it around their homes (for example, for driveway and garden filler). People could still be exposed to small amounts of this asbestos today if any waste rock remains exposed and is disturbed (by foot or vehicle traffic, for example).

MDCH and ATSDR recommends that former workers and the household members who lived with them learn more about asbestos and see a doctor with expertise in asbestos-related lung diseases. "MDCH can help you learn more as well as provide assistance in locating such medical expertise," said Erik R. Janus, toxicologist for the MDCH Bureau of Epidemiology.

The former W.R. Grace plant health consultation was done in cooperation with ATSDR and is part of that agency's National Asbestos Exposure Review (NAER). Under the program, more than 200 sites around the United States that received vermiculite ore mined in Libby from the early 1920s until 1990 are being evaluated. More information about NAER is available on-line at <http://www.atsdr.cdc.gov/naer/index.html>.

The ATSDR/MDCH public health consultation is available for review at the Dearborn Public Library (16301 Michigan Avenue, Dearborn) or the Arab Community Center for Economic and Social Services (6450 Maple Street, Dearborn). It also is available online at <http://www.michigan.gov/mdch/toxcol> or <http://www.atsdr.gov/naer/dearbornmi>.

MDCH welcomes comments and information from community members about the health consultation and the site contamination. Questions and MDCH's responses will be published later in a separate document. A public availability session in Dearborn will be held in the near future with members of the MDCH, ATSDR and EPA present. The primary purpose of this meeting is to field questions, comments, and concerns regarding both the document and potential exposure to asbestos-contaminated vermiculite. Questions on the health consultation document must be submitted in writing to:

Erik R. Janus

Division of Environmental and Occupational Epidemiology Bureau of Epidemiology

Michigan Department of Community Health

3423 N. Martin Luther King Jr. Blvd.

P.O. Box 30185

http://www.michigan.gov/printerfriendly/0,1687,7-136-3452_3465-104155--,00.html

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Former Workers At Dearborn Plant Were Exposed To Hazardous Asbestos Levels

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Page

Lansing, MI 48909

For more information, community members may contact Erik Janus with the Michigan Department of Community Health, Bureau of Epidemiology toll-free at 800-648-8842, or via electronic mail at januse@michigan.gov.

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United States Environmental Protection Agency
Region 5

Emergency Response Branch

Response Section 1, SE-GI

9311 Groh Road, Grosse Ile, MI 48138

Verification No.: 734-692-7660

Facsimile No.: 734-692-7677

FACSIMILE COVER SHEET

DATE: 2-7-05

TO: BRIAN KELLY

OFFICE: _____

FAX NO: 734-692-7677

FROM: JASON ELZEIN

NO. PAGES: 11 (INCLUDING COVER SHEET)

COMMENTS: _____

Correspondence Management System

Tracking Document

Control No.: RG-05-000-1722-C
Status: Pending **Due Date:** Feb 17, 2005
Letter Date: Jan 25, 2005
Received Date: Feb 02, 2005
Close Date: N/A

of Extensions: 0
Notes:
Alt No.:
File Code: CORR 122 - Congressional Correspondence
From: Carl Levin
 Organization: United States Senate
 Street: SR-269 Russell Senate Office Building
 City/State/Zip: Washington / DC / 20510
 Country: USA

Committee:
Sub Committee:
Constituent: Paul Marillit
To: R5-Regional Administrator - Region 5
To Org: EPA
Subject: Asbestos contaminated soil on constituent's property
Signature: RA-R5-Regional Administrator - Region 5
Signature Date: N/A
Instruction Codes: Address response to the Detroit, Michigan Senate office, to the attention of Gale Covaere on the envelope.

Instruction Notes:
Lead Author:
Lead Author Due Date: N/A
Lead Author Complete Date: N/A
Supporting Author:
CC:

Lead Author Office:
Lead Author Assigned Date: N/A
Lead Author Instruction:

Lead Info:

Assigner	Office	Assignee	Assigned Date	Due Date	Instructions	Completed Date
Gayvonna Gary	R5	R5-SFD	Feb 03, 2005	Feb 17, 2005	Address response in the Detroit, Michigan Senate office, to the attention of Gale Covaere on the envelope.	N/A

Support Info:

Supporting Assignee	Assignee	Office	Assigned Dates
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